

31 October 2025

Enquiries: Daniel Lamond
Our Ref: OP 2024_5601/1 (1331092)

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Mr George Argyrou
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

**Change Application to Development Approval for Operational Works (Earthworks, services and access) At 12 and 14 Murphy Street PORT DOUGLAS
On Land Described as LOT: 113 on PTD2094 and LOT: 114 on PTD2094**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: OP 2024_5601/1 in all subsequent correspondence relating to this development application.

Refer to the FNQROC Development Manual for the 'Pre-Start' meeting template, which identifies the information that must be provided for Council approval, prior to the commencement of works.

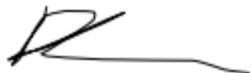
The template also provides the Consulting Engineer with a format for conducting the meeting. An invitation to attend the meeting must be sent to Council's representative Neil Beck or Daniel Lamond on telephone number 07 4099 9444, giving at least five (5) working days notification if possible.

In addition to the Decision Notice, Council provides the following 'Advice Statement' which relates to issues that are relevant to the proposed works:

1. The Consulting Engineer is to present all contractors with a copy of this Decision Notice and the Council approved plans, prior to the commencement of works.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9451.

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Mr George Argyrou
Postal Address: C/- Planning Plus
Evan Yelavich
PO Box 399
Redlynch QLD 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: 12 and 14 Murphy Street PORT DOUGLAS
Real Property Description: LOT: 114 on PTD2094 and LOT: 113 on PTD2094
Local Government Area: Douglas Shire Council

Details of Proposed Development

Minor Change to Development Permit for Operational Works (Earthworks, services and access)

Decision

Date of Decision: 28 October 2025
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing	Reference	Date
Geotechnical Assessment	GEO Design Plan, project no. 24046AB-D, page 1 of 2	11 June 2024
Geotechnical Assessment	GEO Design Plan, project no. 24046AB-D, page 2 of 2	11 June 2024
Typical Section Permanent And Temporary Shotcrete Treatment	GEO Design Plan, FIG1 (Rev A)	10 June 2024
Typical GCS Wall Treatment	GEO Design Plan, FIG2 (Rev A)	10 June 2024
Catchment Plan	24003- 12 Murphy Street	No date nominated
Standard Notes	Applin Consulting Plan, Drawing Number 24004-C002 (Rev A)	1 May 2024
Overall Site Plan	Applin Consulting Plan, Drawing Number 24004-C003 (Rev A)	1 May 2024
General Arrangement Plan	Applin Consulting Plan, Drawing Number 24004-C004 (Rev A)	1 May 2024
Setout Plan	Applin Consulting Plan, Drawing Number 24004-C005 (Rev A)	1 May 2024
Site Sections	Applin Consulting Plan, Drawing Number 24004-C006 (Rev A)	1 May 2024
Type Sections and Details	Applin Consulting Plan, Drawing Number 24004-C007 (Rev A)	1 May 2024
Miscellaneous Details	Applin Consulting Plan, Drawing Number 24004-C008 (Rev A)	1 May 2024
Longitudinal Sections	Applin Consulting Plan, Drawing Number 24004-C009 (Rev A)	1 May 2024

Cross Sections- Driveway CL03 Sheet 1 of 2	Applin Consulting Plan, Drawing Number 24004-C010 (Rev A)	1 May 2024
Cross Sections- Driveway CL03 Sheet 2 of 2	Applin Consulting Plan, Drawing Number 24004-C011 (Rev A)	1 May 2024
Standard Notes and Legend	Applin Consulting Plan, Drawing Number 24003-C002 (Rev B)	1 May 2024
Overall Site Plan	Applin Consulting Plan, Drawing Number 24003-C003 (Rev B)	1 May 2024
General Arrangement Plan Sheet 1 of 2	Applin Consulting Plan, Drawing Number 24003-C004 (Rev B)	1 May 2024
General Arrangement Plan Sheet 2 of 2	Applin Consulting Plan, Drawing Number 24003-C005 (Rev B)	1 May 2024
Bulk Earthworks Plan Sheet 1 of 3	Applin Consulting Plan, Drawing Number 24003-C006 (Rev B)	1 May 2024
Bulk Earthworks Plan Sheet 2 of 3	Applin Consulting Plan, Drawing Number 24003-C007-1 (Rev B)	1 May 2024
Bulk Earthworks Plan Sheet 3 of 3	Applin Consulting Plan, Drawing Number 24003-C007-2 (Rev B)	1 May 2024
Site Sections and Details Sheet 1 of 2	Applin Consulting Plan, Drawing Number 24003-C008-1 (Rev B)	1 May 2024
Site Sections and Details Sheet 2 of 2	Applin Consulting Plan, Drawing Number 24003-C008-2 (Rev B)	1 May 2024
Batter Stabilisation Plan	Applin Consulting Plan, Drawing Number 24003-C009 (Rev B)	1 May 2024
Retaining Walls Plan and Setout	Applin Consulting Plan, Drawing Number 24003-C010 (Rev B)	1 May 2024
Retaining Walls Longitudinal Section	Applin Consulting Plan, Drawing Number 24003-C011 (Rev B)	1 May 2024

Stormwater Longitudinal Sections	Applin Consulting Plan, Drawing Number 24003-C012 (Rev B)	1 May 2024
Driveway CL01- Longitudinal and type Section	Applin Consulting Plan, Drawing Number 24003-C013 (Rev B)	1 May 2024
Driveway CL02- Longitudinal and type Section	Applin Consulting Plan, Drawing Number 24003-C014 (Rev B)	1 May 2024
Driveway CL01- Cross Sections	Applin Consulting Plan, Drawing Number 24003-C015 (Rev B)	1 May 2024
Driveway CL02- Cross Sections	Applin Consulting Plan, Drawing Number 24003-C016 (Rev B)	1 May 2024
Driveway Connections	Applin Consulting Plan, Drawing Number 24003-C017 (Rev B)	1 May 2024
Miscellaneous Details	Applin Consulting Plan, Drawing Number 24003-C018 (Rev B)	1 May 2024
Water Reticulation Plan	Applin Consulting Plan, Drawing Number 24003-C019 (Rev B)	1 May 2024
Sewer Reticulation Plan	Applin Consulting Plan, Drawing Number 24003-C020 (Rev B)	1 May 2024
Sewer Reticulation Longitudinal Section and Details	Applin Consulting Plan, Drawing Number 24003-C021 (Rev B)	1 May 2024
<u>Proposed Driveway</u>	<u>Applin Consulting Plan, Drawing No. 24004-SK002, Revision B</u>	<u>10 October 2025</u>

EROSION AND SEDIMENT CONTROL DRAWINGS

The following drawings must form the basis of the contractor's Erosion and Sediment Control Plan in accordance with the *FNQROC Development Manual*, Clause CP1.06.

Drawing	Reference	Date
EROSION AND SEDIMENT CONTROL STRATEGY- PLAN	Applin Consulting Plan, Drawing Number 24003-C022 (Rev B)	1 May 2024

EROSION AND SEDIMENT CONTROL STRATEGY- DETAILS	Applin Consulting Plan, Drawing Number 24003-C023 (Rev B)	1 May 2024
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Assessment Manager Conditions & Advices

1. General

- a. Materials shall be in accordance with the provisions of the FNQROC Development Manual. Where alternative materials are proposed details are to be provided to Council for consideration and approval prior to incorporation into the works.

This information must be provided prior to the pre-start meeting (or such other timeframe agreed with Council) and the elements are not approved unless confirmed by Council in writing.

2. Earthworks

The applicant is to ensure that any earthworks undertaken as part of the works maintains a free draining surface with no ponding of standing water resulting. Any amendments proposed to the finished surface profiles are to be identified and reported to Council prior to being undertaken.

3. Geotechnical & Civil Works

- a. Construct the shotcrete batter protection and geo-synthetically confined soil (GCS) retaining wall elements generally in accordance with GEO Design plan FIG1 (Rev A) and FIG2 (Rev A) dated 10 June 2024 and geotechnical advice dated 11 June 2024.
- b. All civil works where new earthworks batters are to be formed must be carried out under the supervision and direction of a suitably qualified Geotechnical Engineer.
Certification of the completed retention works and earthworks must be provided following completion of the works to the satisfaction of the Chief Executive Officer prior to Works Acceptance or Commencement of Use, whichever is earlier.

This is to include a construction report prepared and certified by the supervising Geotechnical Consultant.

4. Murphy Street Infrastructure

Ownership, operation and maintenance of the private shared access driveway infrastructure will vest at all times with the Murphy Street property owners for which the infrastructure services.

Advice Note: The water and sewer main augmentations in road reserve will be put on maintenance to become donated assets. The private driveway components of the design on road reserve, inclusive of drainage features will not become donated assets.

5. Vegetation Retention

- a. Install tree protection zone (TPZ) protection fencing under the supervision of a minimum AQF3 arborist in accordance with AS4970 for the trees to be retained on both 12 and 14 Murphy Street nominated on Applin Consulting Drawing 24003-C003.
- b. Install structural root zone (SRZ) protection fencing for the three trees within the

road reserve area that cannot have tree protection zone fencing installed in accordance with AS4970 and provide tree protection zone fencing for all other trees nominated for retention on Applin Consulting Drawing 24003-C003 under the supervision of a minimum AQF3 arborist.

6. Haul Route

Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road haulage route(s) from the site to the approved disposal site(s). The report is to identify relevant existing defects or problems with the roadway along the identified route. On completion of the works, the haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

7. Miscellaneous

- a. Prior to the pre-start meeting, the applicant must provide construction methodology, management plans, and condition surveys and must confirm the engagement and scope of the project geotechnical supervisor. No works will be permitted to commence on site until approval of these elements is provided by Council in writing.
- b. CCTV inspections are to be reviewed by the supervising engineer and the Engineering Report and Certification by an RPEQ provided to Council prior to Works Acceptance as required under FNQROC Development Manual CP1.25 Project Documentation.

8. Erosion and Sediment Control

Erosion and Sediment Control Measures as nominated in Drawing Numbers 24003-C022 and 24003-C023, prepared by Applin Consulting must be installed prior to earthworks commencing to the extent relevant and must be maintained in accordance with the maintenance schedule as nominated for the duration of the operational works.

9. Landscaping Plan

Provide a detailed landscaping plan which addresses all cuts and batters associated with the secondary driveway. The plan must:

- a. include native species only;
- b. be in accordance with Planning Scheme policy SC6.7- landscaping;
- c. include species with high screening qualities.

The plan must be endorsed by the Chief Executive Officer prior to works acceptance for the donated assets.

10. Access Crossover

Provide a detailed design of the access crossover where the secondary driveway meets the pavement adjoining Murphy Street. The detailed design must:

- a. include concrete batters tying the headwalls in;
- b. include a sewer manhole riser inhibiting stormwater from flowing into the manhole lid;
- c. be designed in accordance with the generic design standards of the FNQROC Development Manual standard drawing S1105G;

The detailed design plan must be submitted for endorsement by the Chief Executive Officer prior to the prestart meeting.

11. Road Safety Audit

Provide a road safety audit by an independent RPEQ who is not the designer of the secondary driveway. The independent road safety audit must consider and make recommendations for safety barriers, mirrors, signage, line marking or the like, for the secondary driveway. In particular, focus must be on the intersection with the existing driveway at the point of intersection where the keypad is proposed on road. The audit must be provided to the Chief Executive Officer prior to the prestart meeting.

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:

- a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
- b. to ensure compliance with the *Planning Act 2016*.

2. Findings on material questions of fact:

- a. the development application was properly lodged to the Douglas Shire Council on 1 August 2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
- b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.

3. Evidence or other material on which findings were based:

- a. the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
- b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
- c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Concurrence Agency Response

None Applicable

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

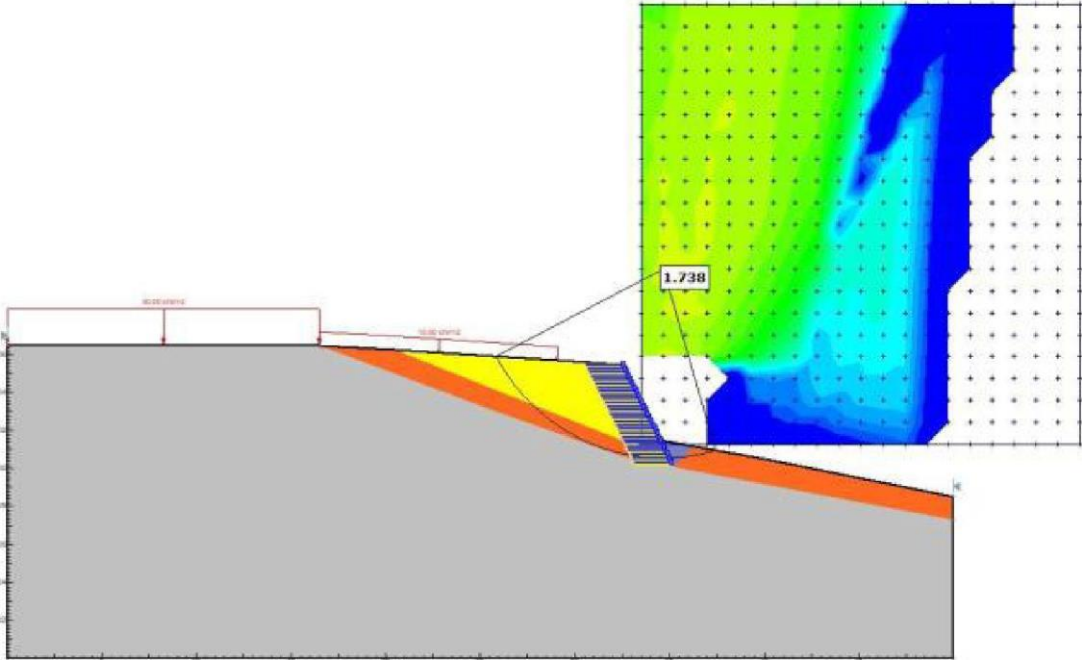
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s)

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GEO | design

Client:	Hickory Constructions Group	GEOTECHNICAL ASSESSMENT
Drawn:	SRF	14 MURPHY STIRREI', PORT DOUGLAS
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Project No:	24046AB-D	SECTION B DRY CONDITIONS



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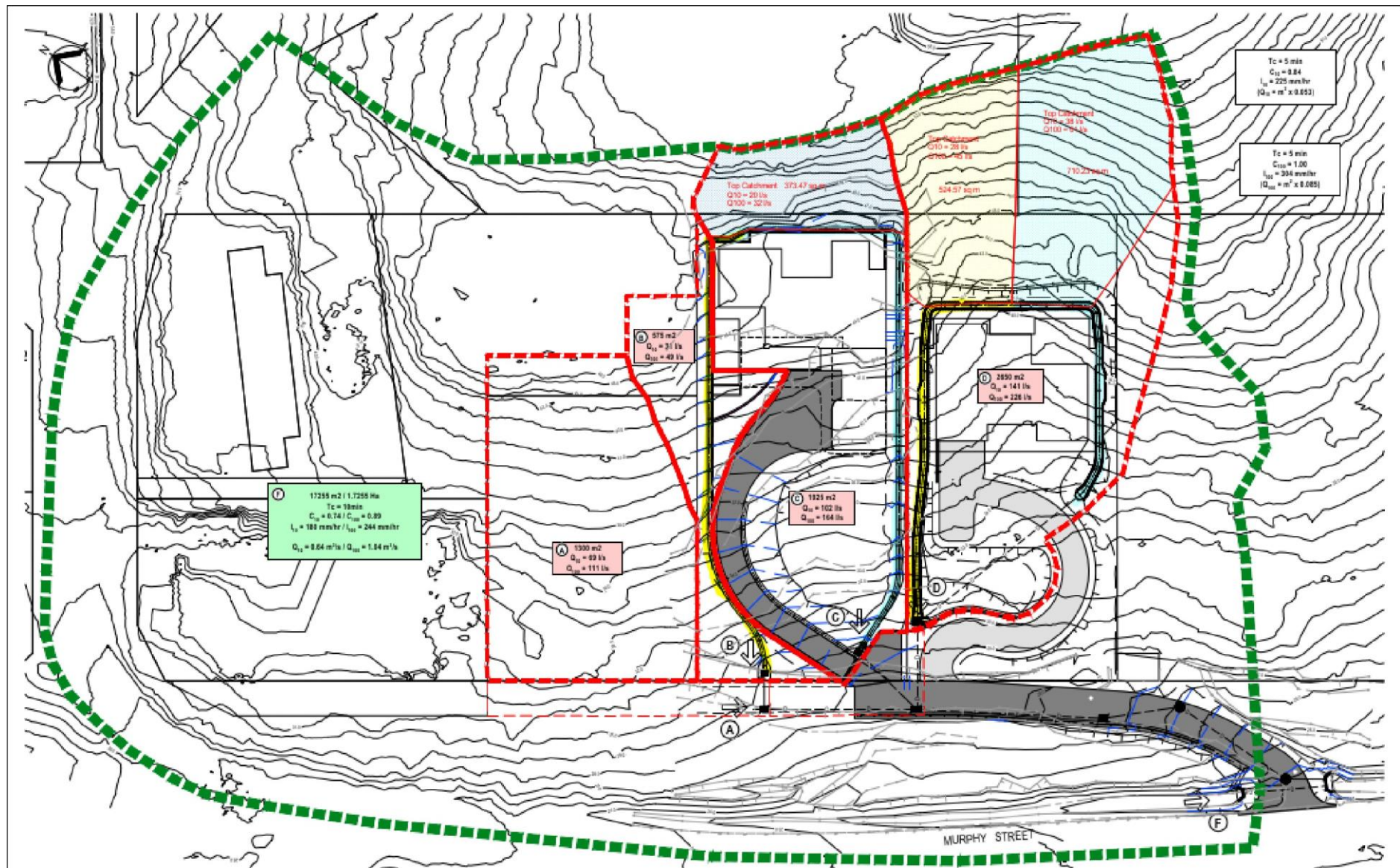
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- Top Left:** A small inset map shows the location within a larger regional context, with a red box indicating the area shown in the main image.
- Top Center:** The text "sto1ve Fora" is written in a stylized font.
- Top Right:** The text "G. ARGYROU - HICKORY GROUP" is displayed.
- Center:** Large, bold letters "GE,Q" are prominently featured.
- Bottom Left:** A small table or data grid is visible, containing several rows of text and numbers.
- Bottom Center:** The text "IN.T.S." is written.
- Bottom Right:** A small table or data grid is visible, containing several rows of text and numbers.
- Right Edge:** A vertical strip of text on the right edge contains the following information:
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24003 -12 MURPHY ST
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GENERAL NOTES

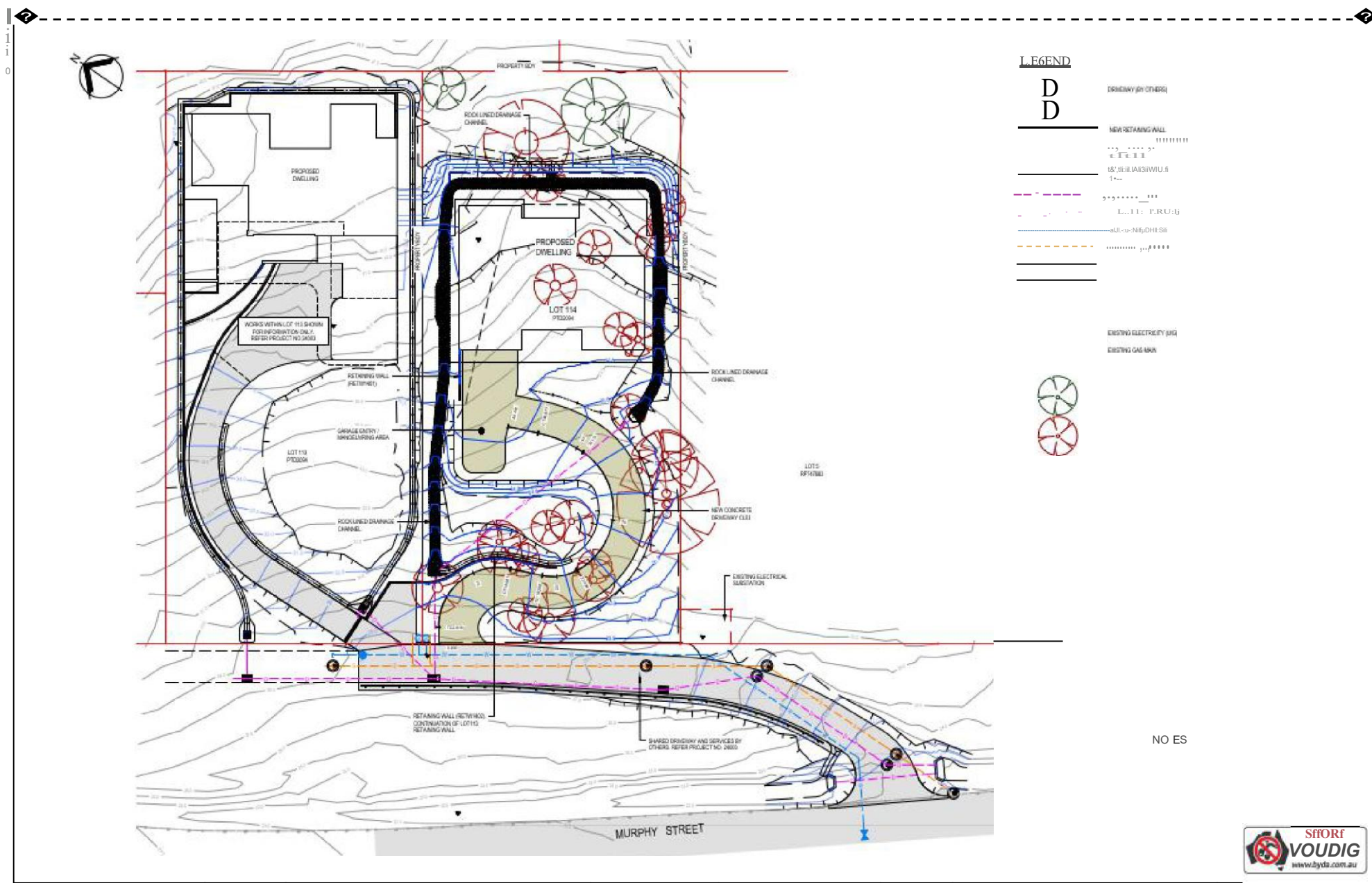
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 THIS DRAWING IS COPYRIGHT AND THE PROPERTY OF APPLIN CONSULTING. IT MUST ONLY BE USED BY THE NOMINATED CLIENT AND BY ANY PERSON(S) WHO HAS/ARE GRANTED THEIR WRITTEN CONSENT FOR THE PURPOSES FOR WHICH IT WAS PREPARED.	APPLIN CONSULTING 111 Leinster Road, Dublin 1	GEORGE ARGYROU KYRENIA RESIDENCE 14 MURP SIREI (WIF 114 PID20114) STANDARD NOTES	FOR APPROVAL K. HIRAJITHI 24004-C0U
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LEGEND

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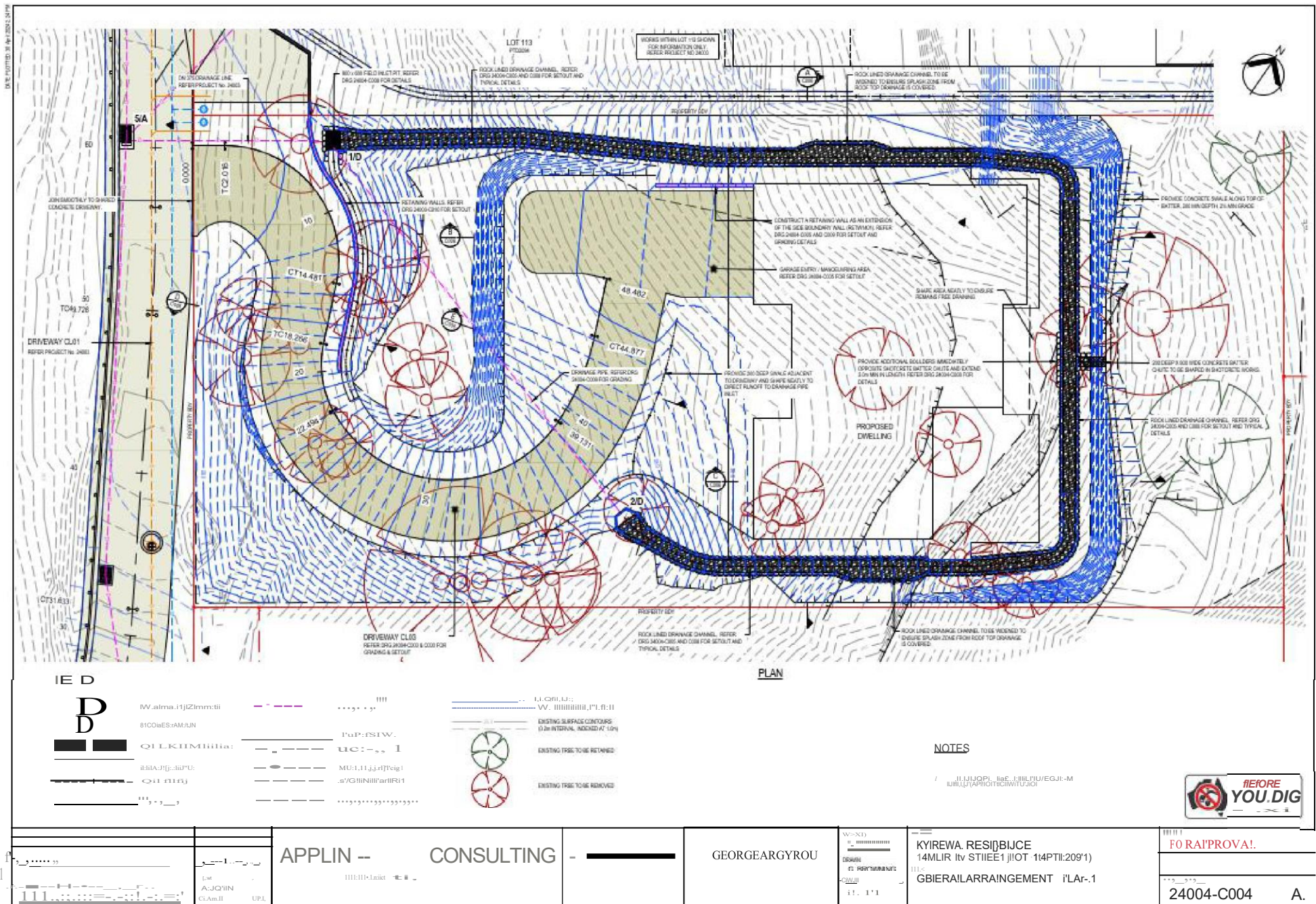
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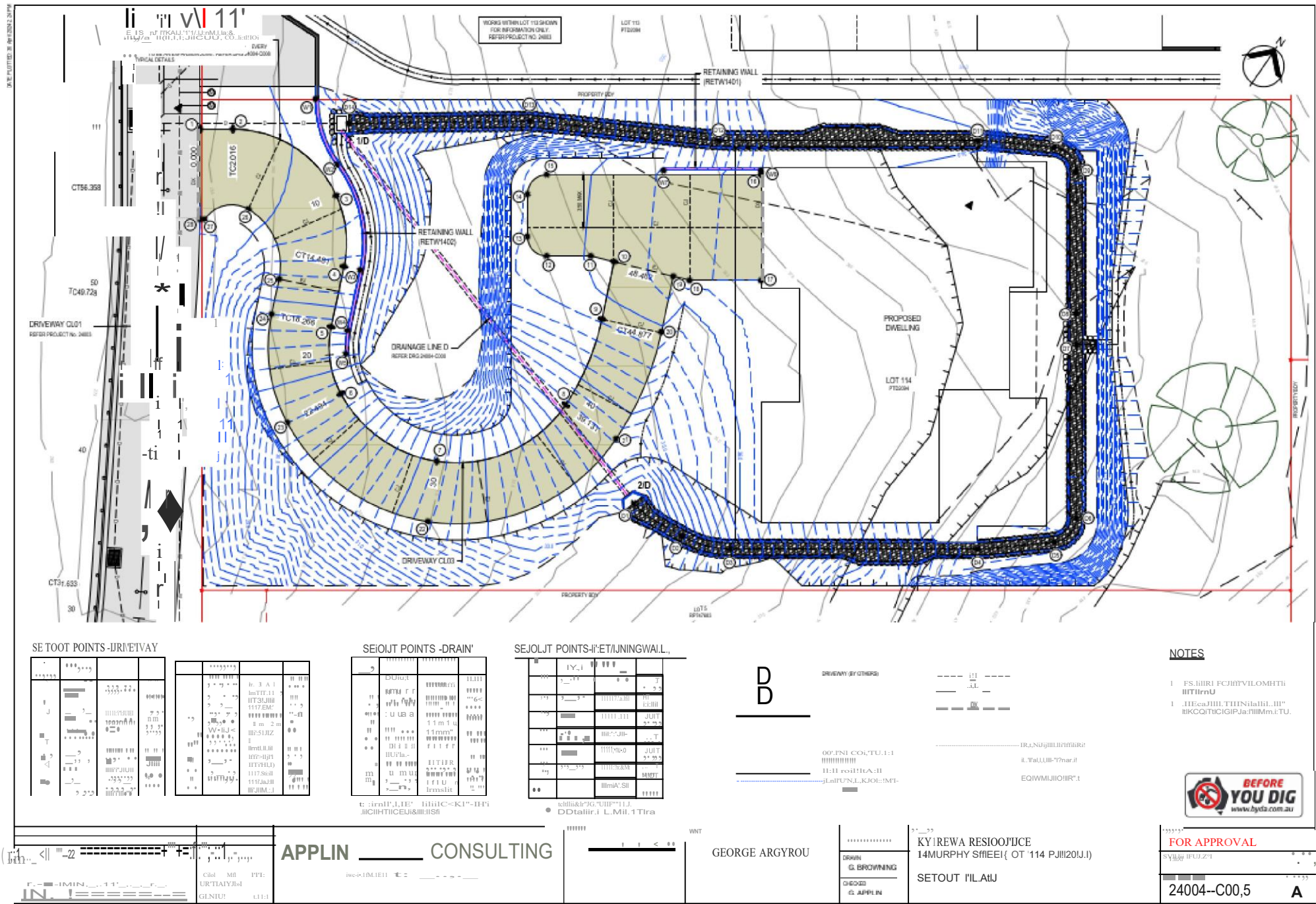
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FOR APPROVAL

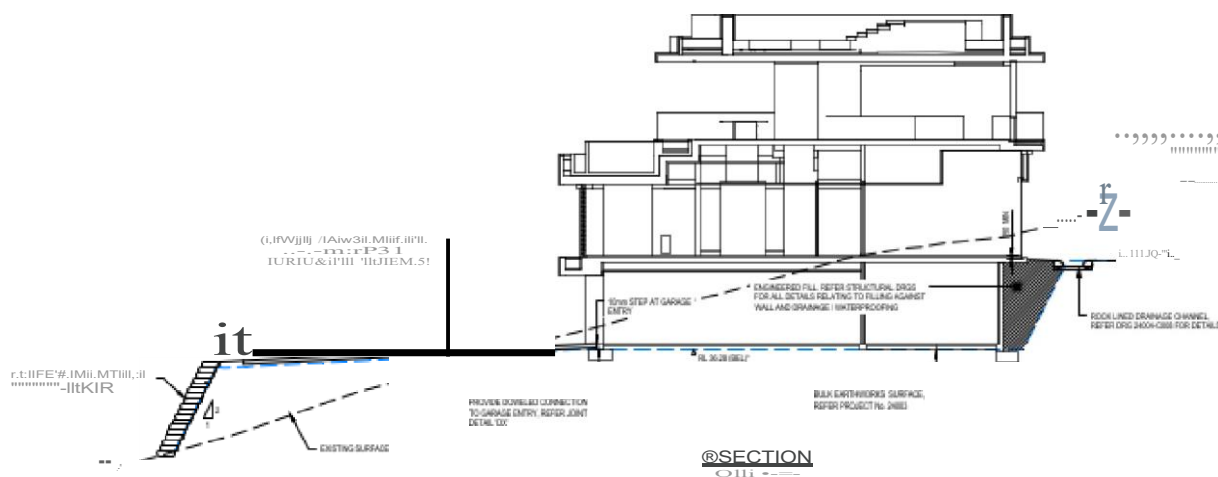
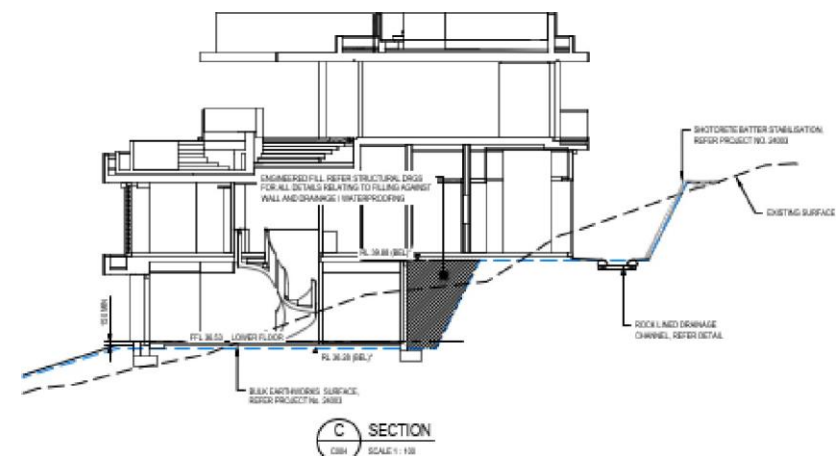
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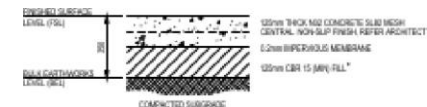
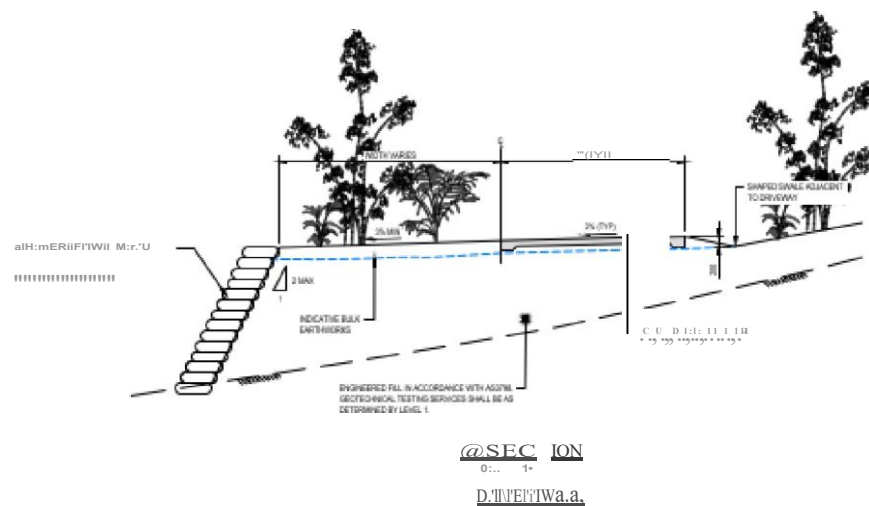
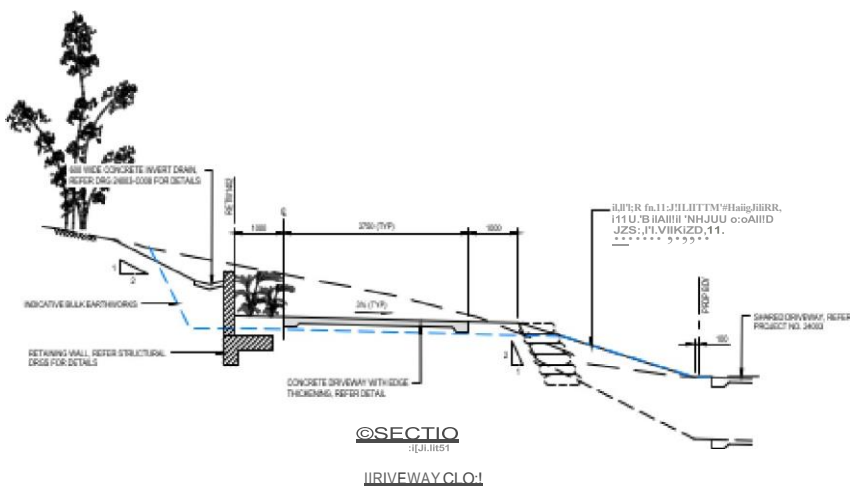
APPLIN CONSULTING

GEORGE ARGYROU

KYI REWA RESIOOJUCE
14MURPHY SIMEE(OT 114 PJH120UJ.)
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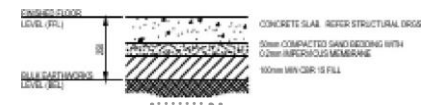


				APPLIN CONSULTING		GEORGE ARGYROU		KY RENIA RESIOENCE 14 MURPHY STREET / LOT 114P(III)219>1 SITE SECTIONS T1-C		FOR APPROVAL (U)ing 1 Incl 1711 AS-SubM1	
				M 0414 766 110 / E greg@applinconsulting.com.au						24004-C006 A	
A. ISSUED FOR APPROVAL REV DESCRIPTION THIS DRAWING IS COPYRIGHT AND THE PROPERTY OF APPLIN CONSULTING. IF BLIND ENTAILMENT BY THE SUBMITTER. CLERK AND BY ANY PERSON OR FIRM BE ASSIGNED TO BY APPLIN CONSULTING FOR THE PURPOSE OF SUBMITTING IT TO THE SUBMITTER.		GB GA 01/08/24 DN AN 04/16		CERTIFICATION RPOQ G. APPLIN 6673							



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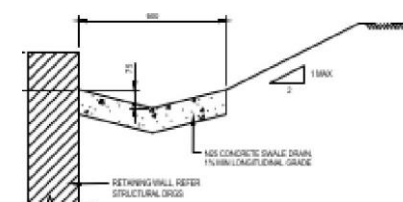
II:IVEWAY CL03



BUILDING PLAN FORM



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M 0414 798 100 | E sales@applinconsulting.com.au

GEORGE ARGYROU

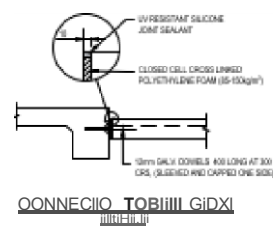
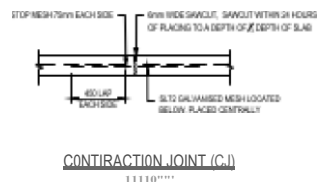
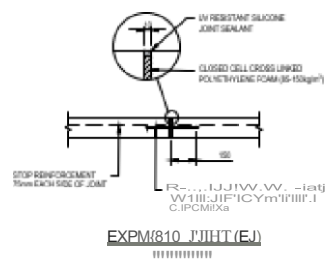
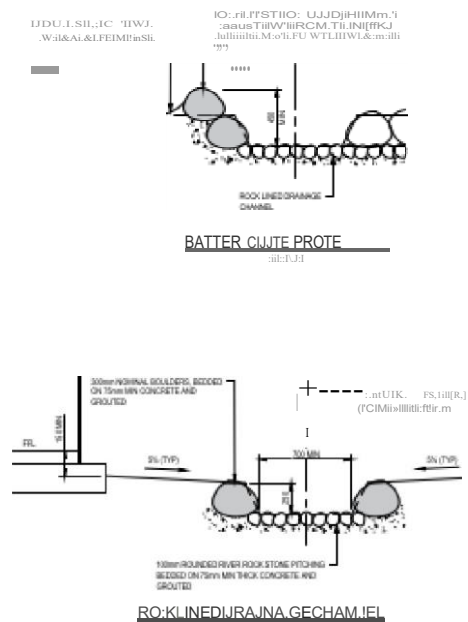
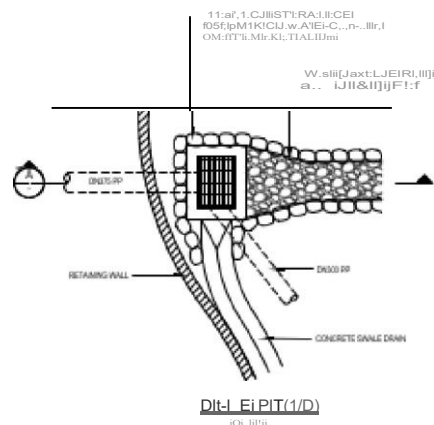
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TYPE SECTION IS AND DETAILS

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REV	DESCRIPTION	DIN	APP	DATE	
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		G. APPLA, INC.		06/7/04	

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M 0414 768 100 | E greg@applianceconsulting.com.au

GEORGE ARGYROU

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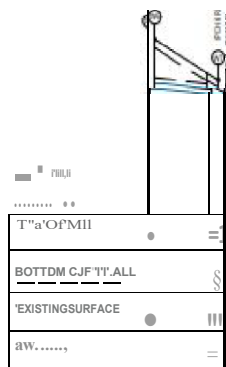
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MiSCellaNEOUS DETAILS

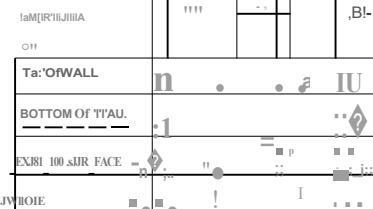
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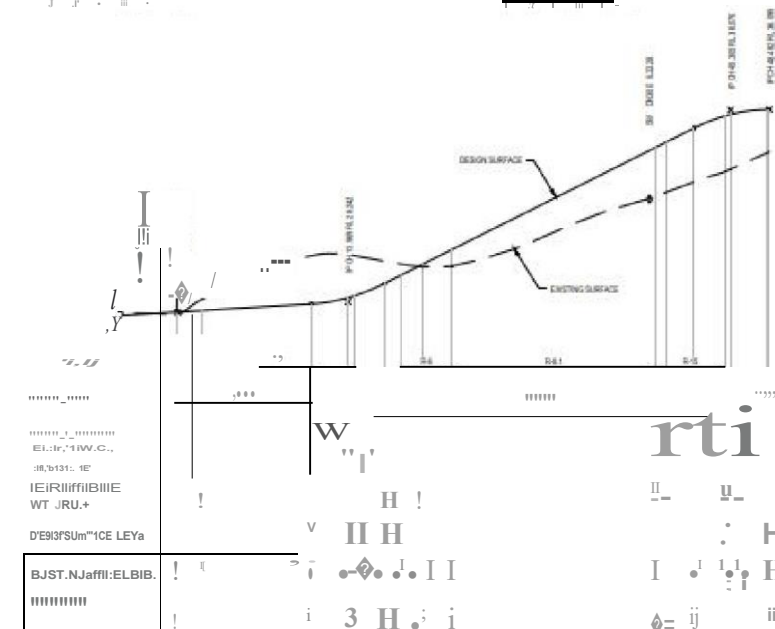
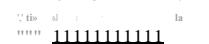
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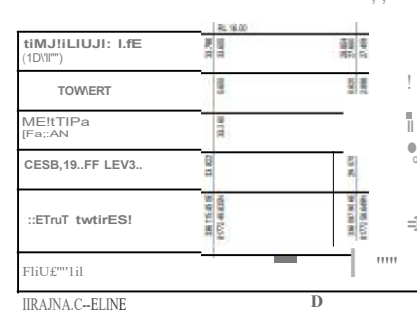
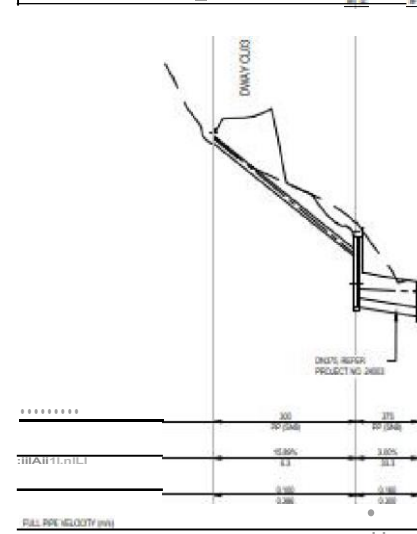
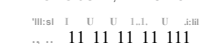
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NOTES



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14 MURPHY STR ITT JLOI 114 PTIDDI-IJ
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FOR APPROVAL

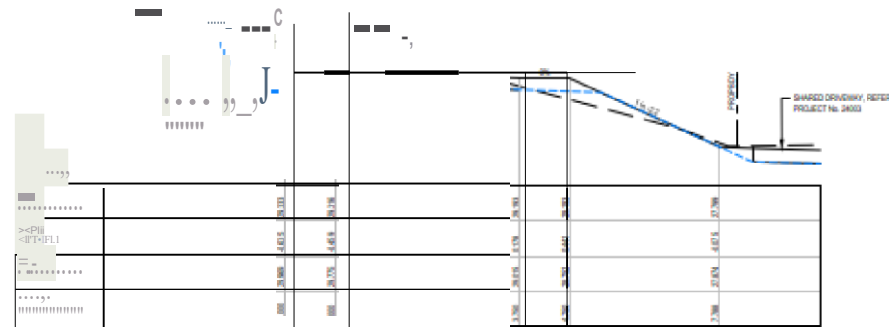
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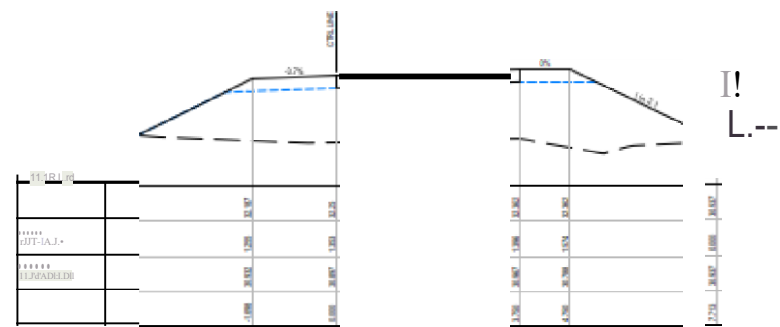
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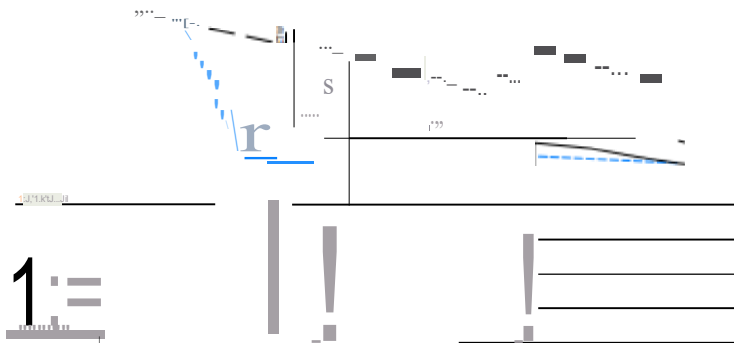
GEORGE ARGYROU



CHIB.6



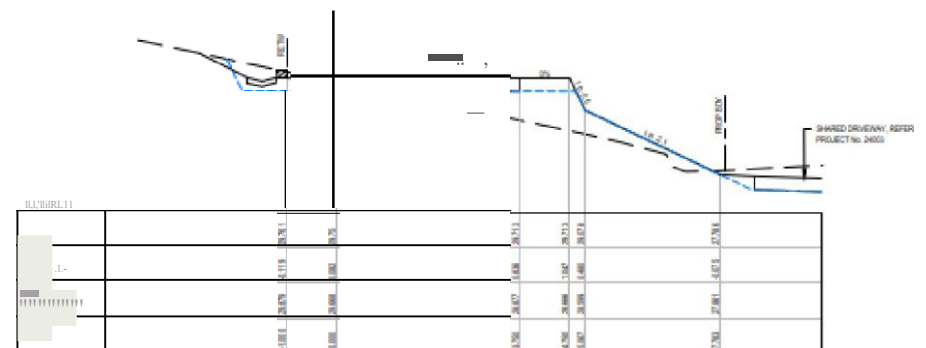
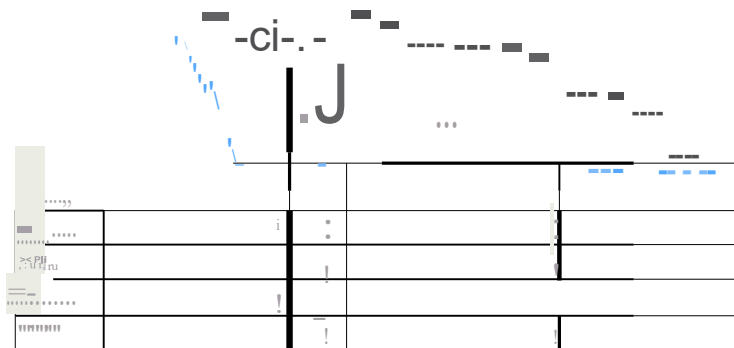
CHB



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2	REVISED	ISS	01/05/24
3	REVISED	ISS	01/05/24
4	REVISED	ISS	01/05/24
5	REVISED	ISS	01/05/24
6	REVISED	ISS	01/05/24
7	REVISED	ISS	01/05/24
8	REVISED	ISS	01/05/24
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10	REVISED	ISS	01/05/24

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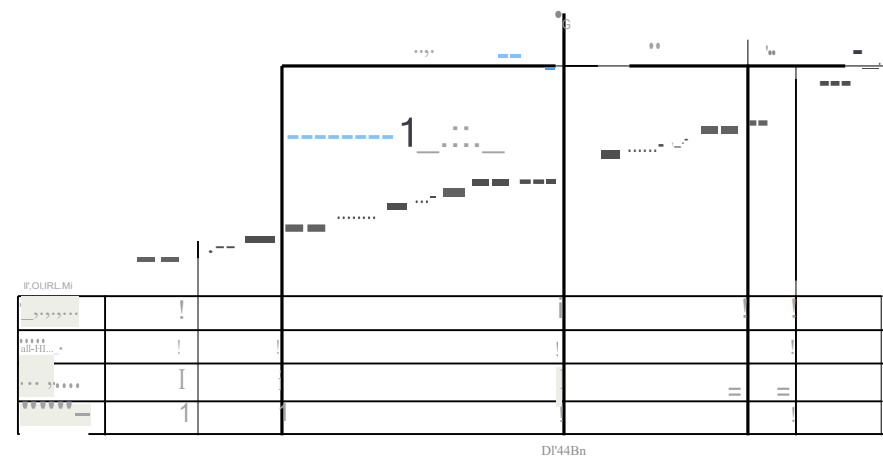
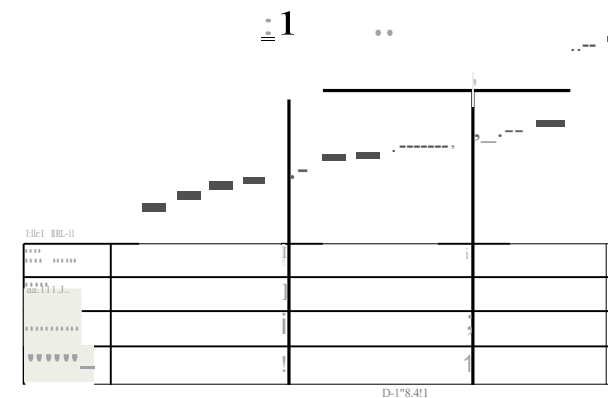
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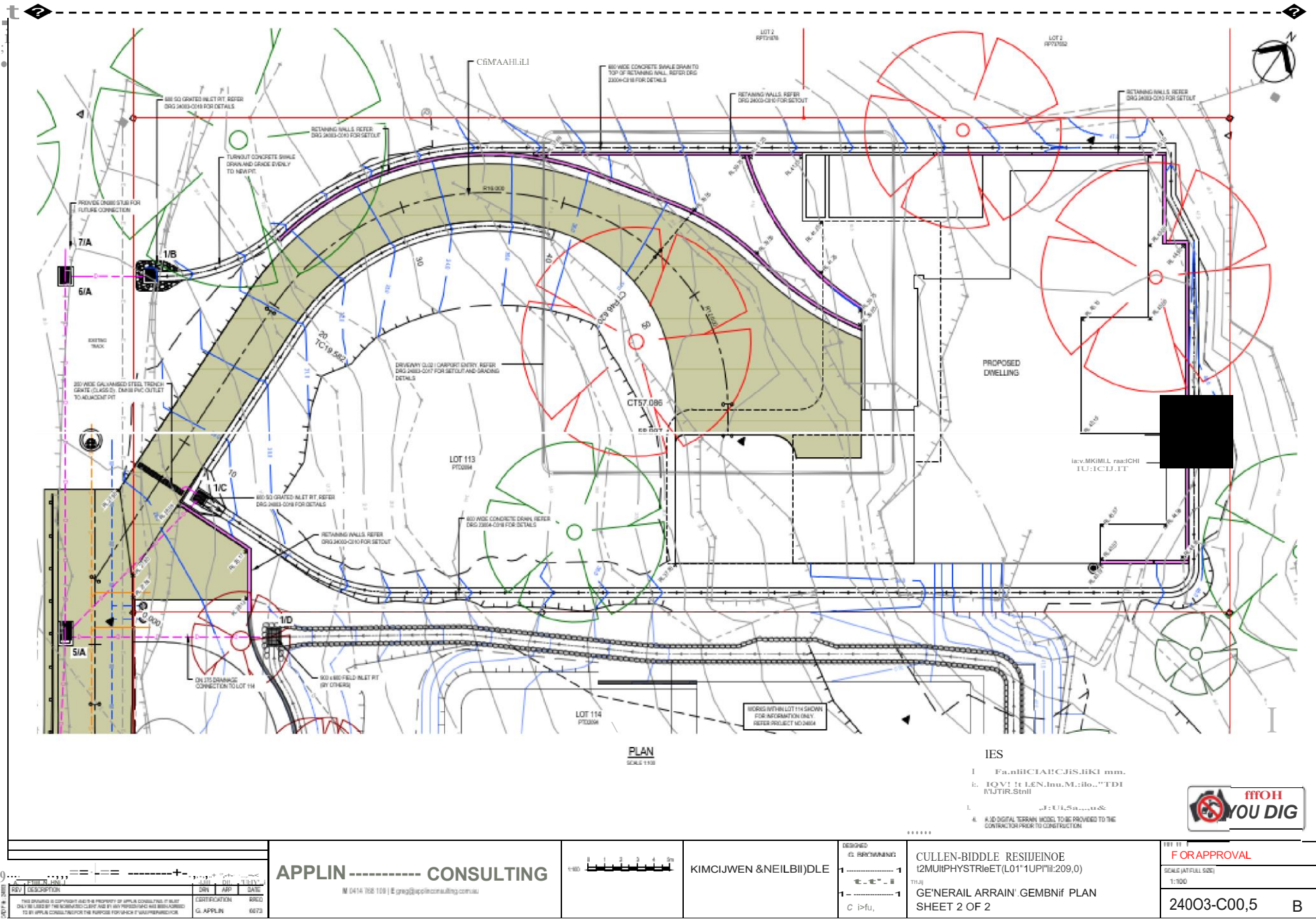
DESIGNED
G. BROWNING
a.
a.

KVRENIA RESIDENCE
14 URAHYSITREET LINDFIELD NSW 1585
CROSS SECTIONS - DRIVEWAY CLOSURE
SHEET 1 OF 2

FOR APPROVAL

24004...C010 A

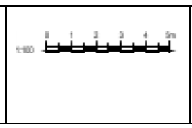




REV	DESCRIPTION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	06/23	G. APPLIN	

APPLIN CONSULTING

10414 108 108 | E: greg@applinconsulting.com.au



KIMCIJWEN & NEILBII)DLE

DESIGNED BY: KIMCIJWEN & NEILBII)DLE
CHECKED BY: KIMCIJWEN & NEILBII)DLE
DATE: 06/23
PROJECT: CULLEN-BIDDLE RESIDENCE
SHEET 2 OF 2

FOR APPROVAL

SCALE (AT FULL SIZE)
1:100

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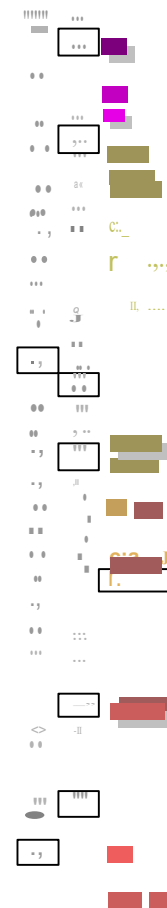
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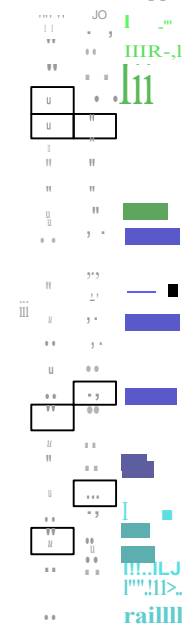
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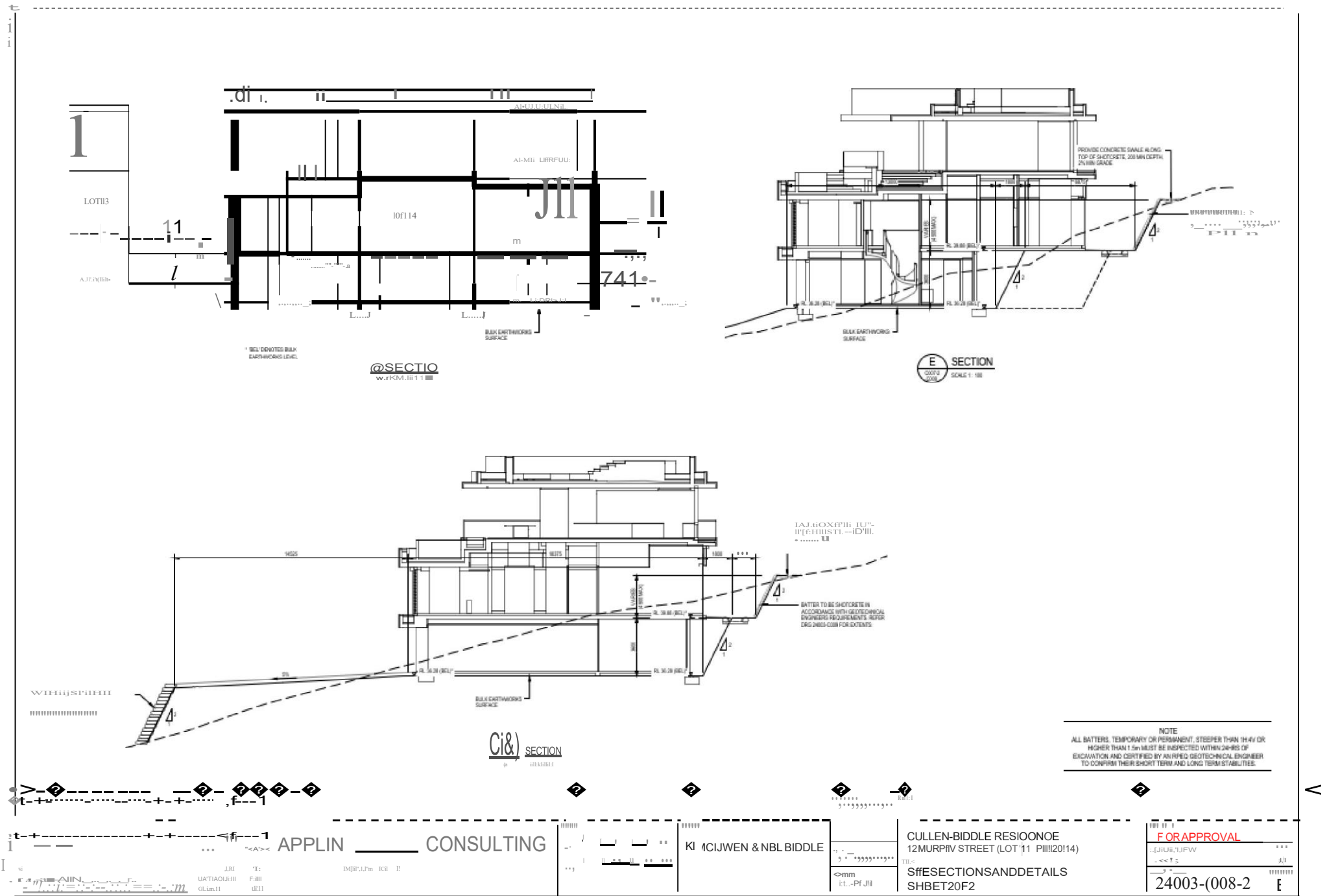
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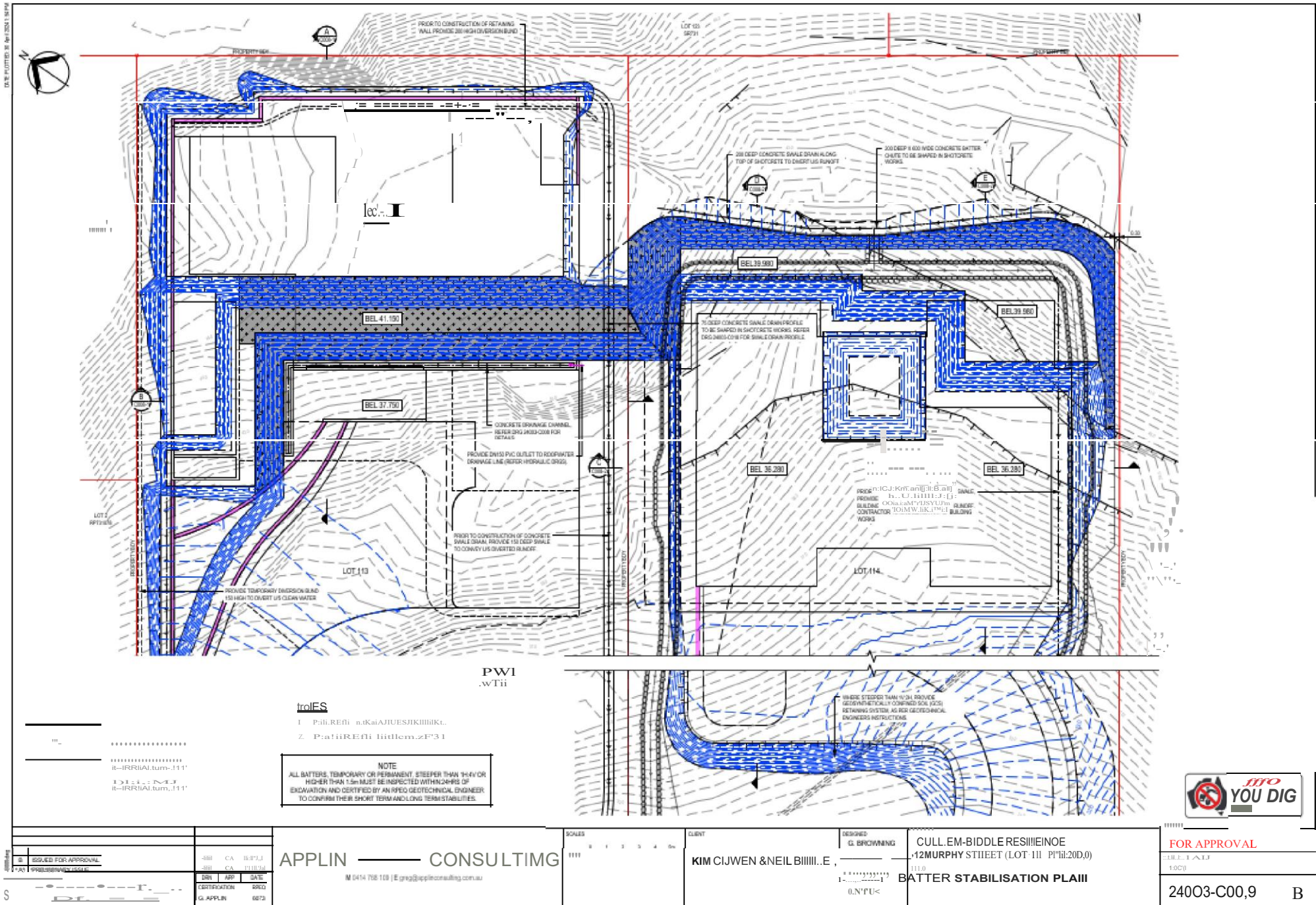
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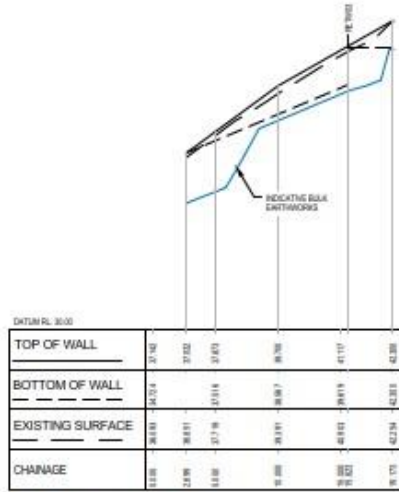
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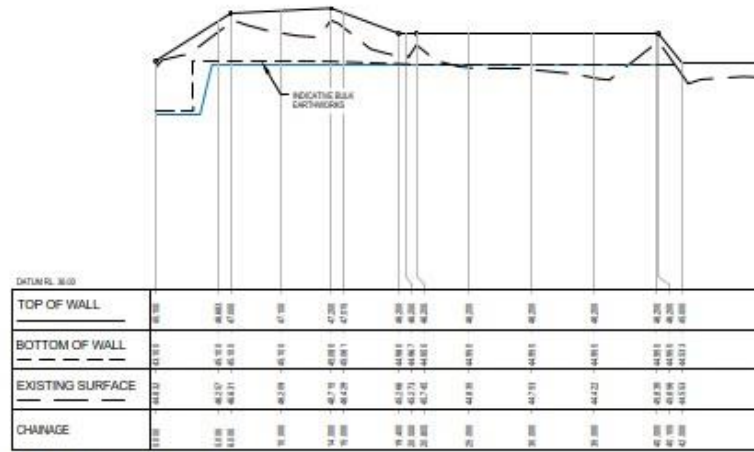
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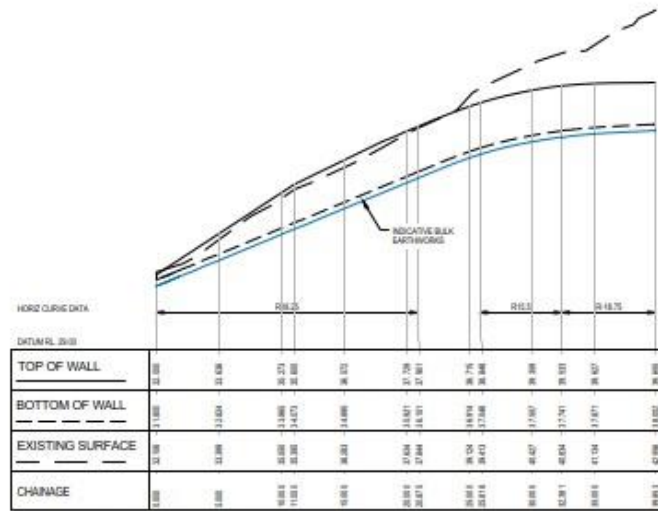


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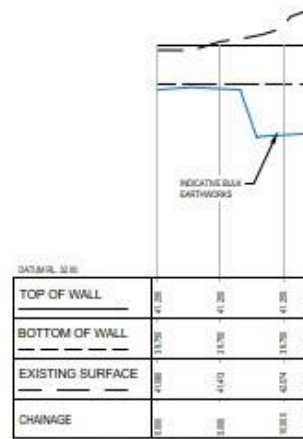


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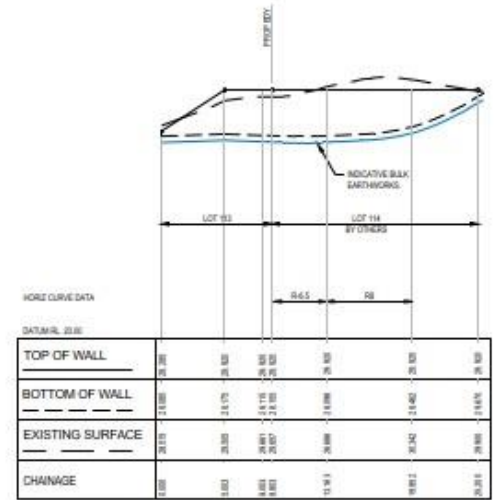
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REFER STRUCTURAL DRAWINGS FOR ALL DETAILS
RELATING TO RETAINING WALLS



RETAINING WALL - RETW02



RETAINING WALL - RETW03

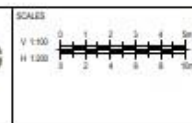


RETAINING WALL - RETW04

REVISION	NO.	DESCRIPTION	DATE
1	1	ISSUED FOR APPROVAL	26-Apr-2024
2	2	PRELIMINARY ISSUE	12-Mar-2024
3	3	DESCRIPTION	DATE

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18/04/24 7:08:10 | E:greg@applinconsulting.com.au



CLIENT
KIM CULLEN & NEIL BIDDLE

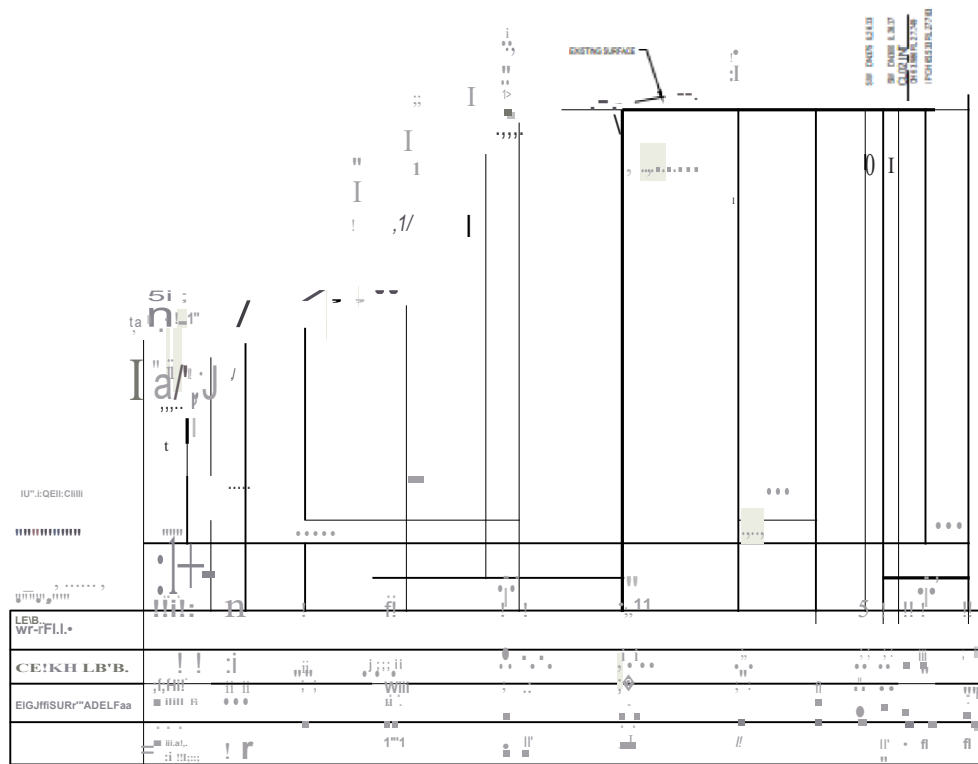
DESIGNED
G. BROWNING

PROJECT
**CULLEN-BIDDLE RESIDENCE
12 MURPHY STREET (LOT 113 PTD2094)**

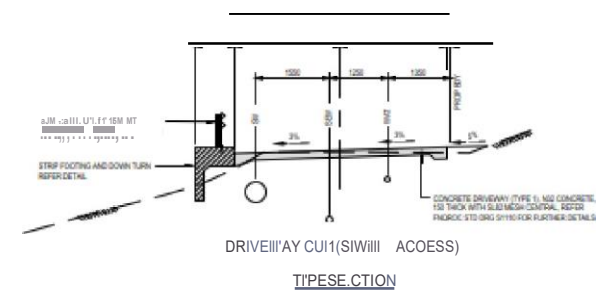
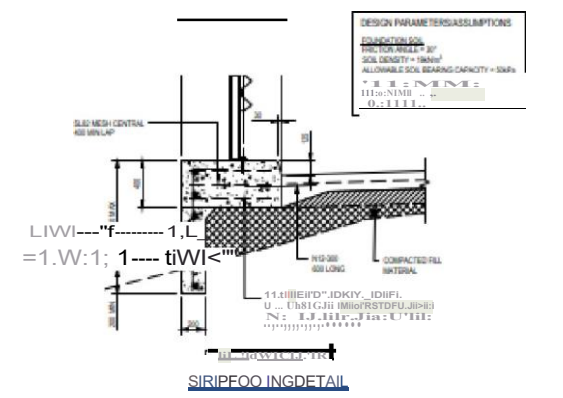
TITLE
**RETAINING WALLS
LONGITUDINAL SECTION**

STATUS FOR APPROVAL	SIZE A1
SCALE (AT FULL SIZE) 1:200H / 1:100V	REVISION B
DRAWING NUMBER 24003-C011	

DATE PLOTTED: 20/05/2024 1:50PM



Lot from JDIIMI: SEC ON-IRIWEWAY CI.01



NOTES

1. The driveway is to be constructed in accordance with the Australian Standard AS 4586-2012.

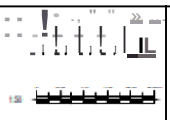
2. The driveway is to be constructed in accordance with the Australian Standard AS 4586-2012.



DATE	20/05/2024
TIME	1:50PM
PROJECT	OUILL. EN-BODLE RESIDENCE
CLIENT	OUILL. EN-BODLE RESIDENCE
DESIGNER	G. APPLIN
CHECKER	G. APPLIN
APPROVER	G. APPLIN

APPLIN CONSULTING

18/04/2018 10:01 | E: greg@applinconsulting.com.au



KJMCUWEN (INEIU.BIIIIII.JE

OUILL. EN-BODLE RESIDENCE

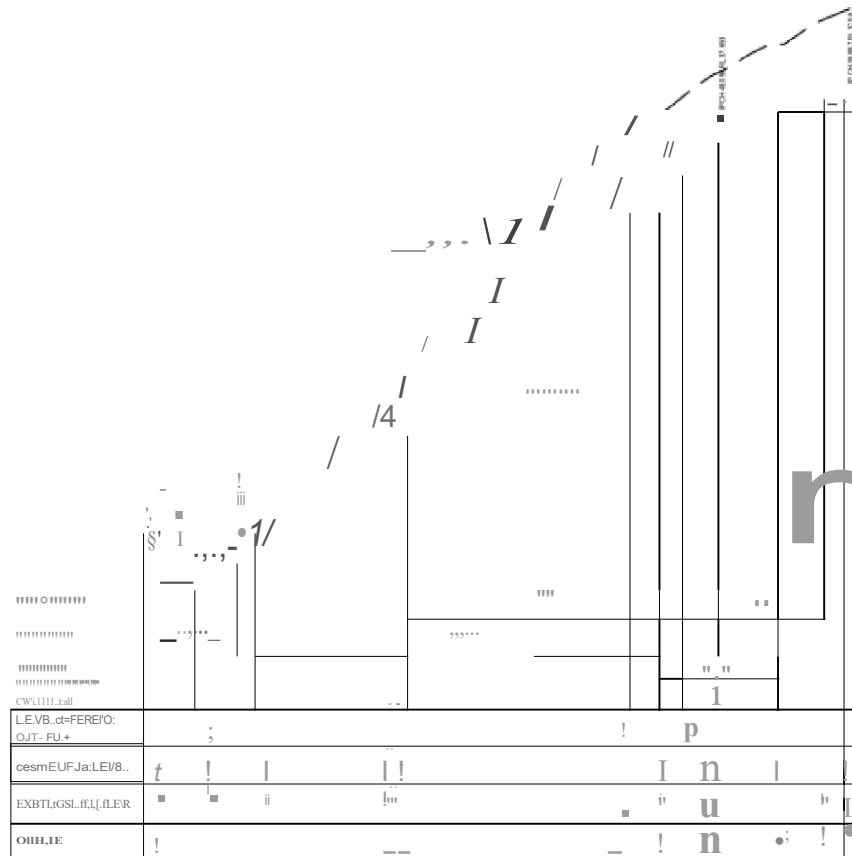
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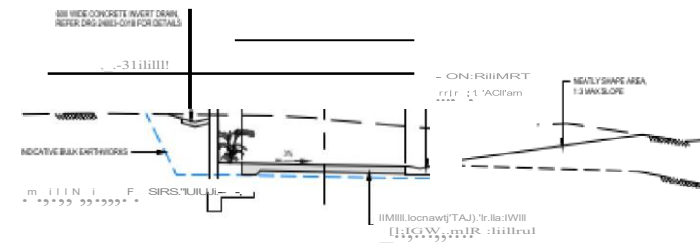
TYPE SECTION

FOR APPROVAL

24003-C013 B



LONGITUDINAL SECTION- DRIVEWAY CL02



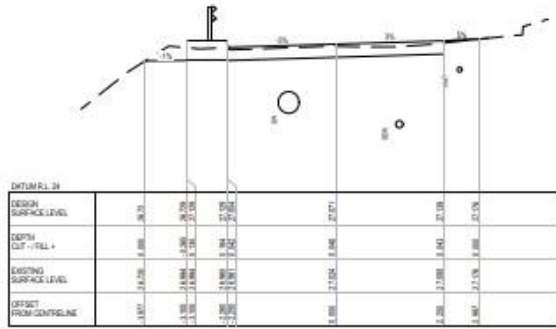
TYPE SECTION

NOTES

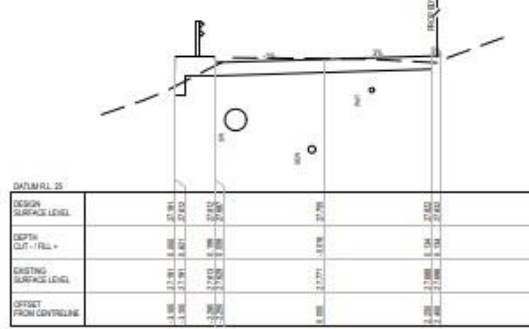
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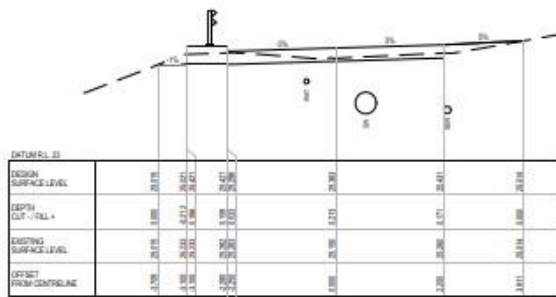
APPLIN	CONSULT NG	KIMCIJWEI&NEILBIDJILE	CULLEN-BIDDLE RESIDEINOE	24003-C0U	B
12MURPHYSTREEL(LOT1UPTD20114)	DRIVEWAY CL02 - ILONGITUDIWI'L AND TYPE SECTION				



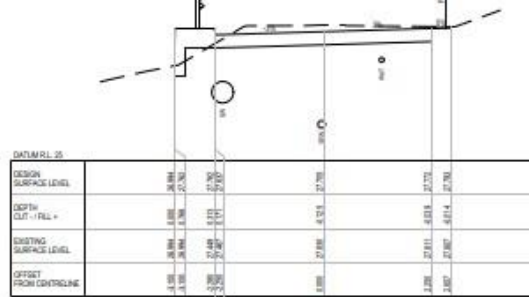
CH 30



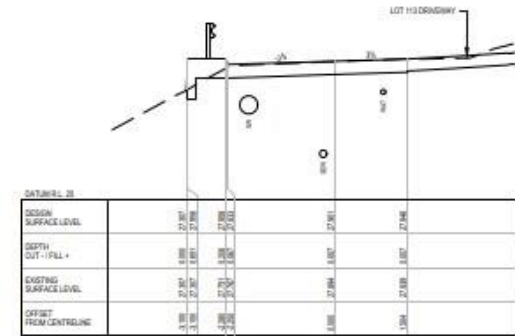
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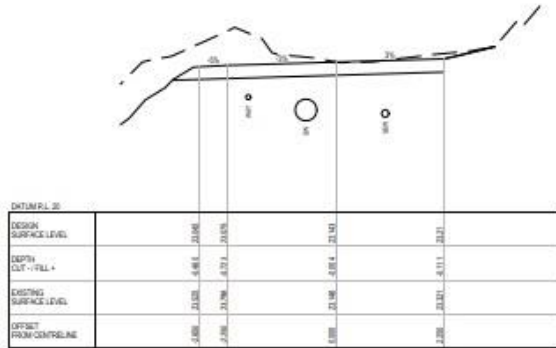
CH 20



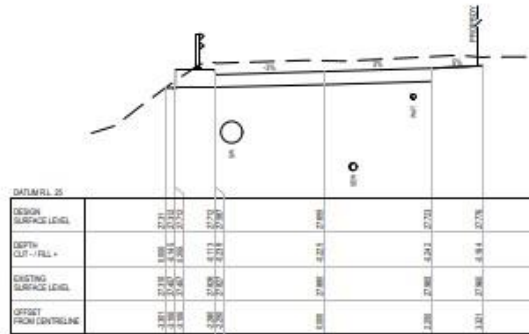
CH 50



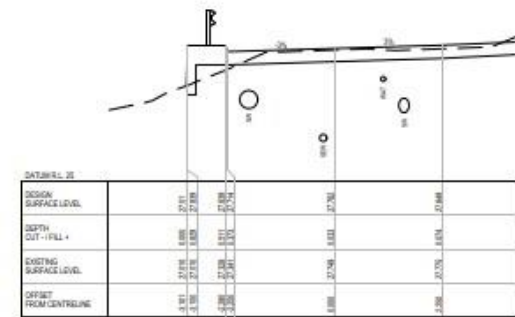
CH 69.478



CH 10.344



CH 40



CH 63.986

ISSUED FOR APPROVAL	ISSUED FOR APPROVAL	ISSUED FOR APPROVAL	ISSUED FOR APPROVAL
PRELIMINARY ISSUE	PRELIMINARY ISSUE	PRELIMINARY ISSUE	PRELIMINARY ISSUE
DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
DATE	DATE	DATE	DATE
DESIGNED BY	DESIGNED BY	DESIGNED BY	DESIGNED BY
CHECKED BY	CHECKED BY	CHECKED BY	CHECKED BY
DATE	DATE	DATE	DATE

APPLIN CONSULTING
M (04) 700 100 | E greg@applinconsulting.com.au

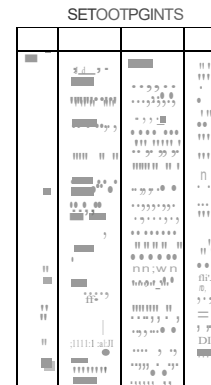
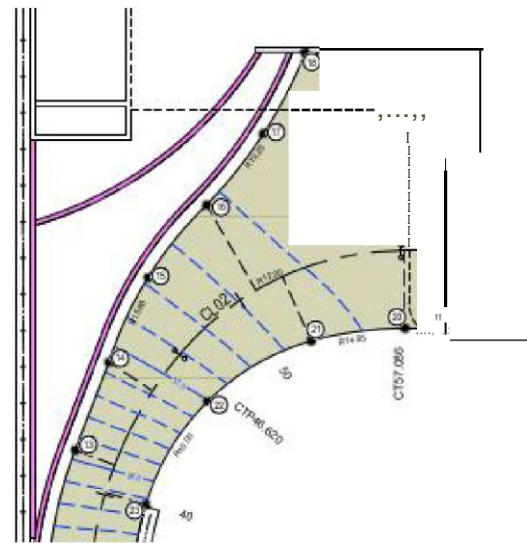


CLIENT
KIM CULLEN & NEIL BIDDLE

DESIGNED
G. BROWNING
DRAWN
G. BROWNING
CHECKED
G. APPLIN

PROJECT
**CULLEN-BIDDLE RESIDENCE
12 MURPHY STREET (LOT 113 PTD2094)**
TITLE
DRIVEWAY CL01 - CROSS SECTIONS

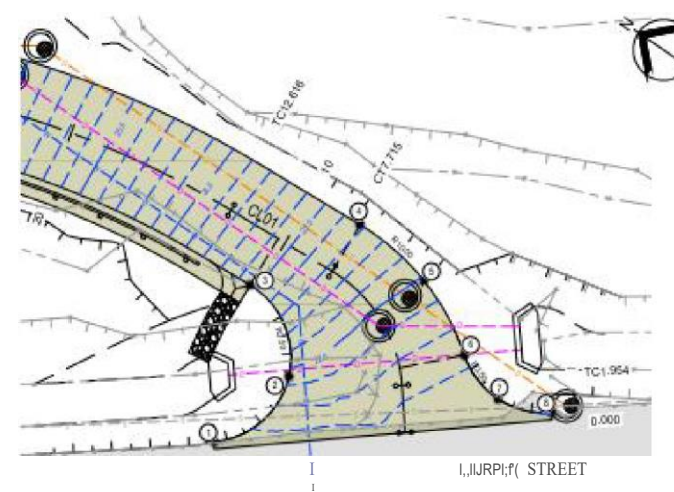
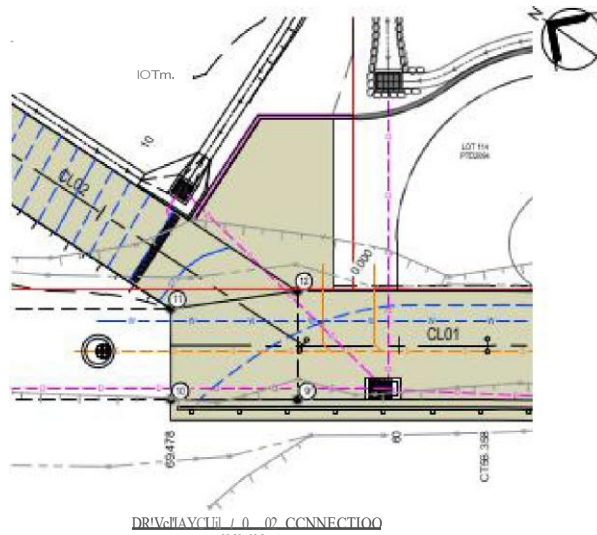
STATUS
FOR APPROVAL
SCALE (AT FULL SIZE)
1:50
DRAWING NUMBER
24003-C015
SHEET
A1
REVISION
B



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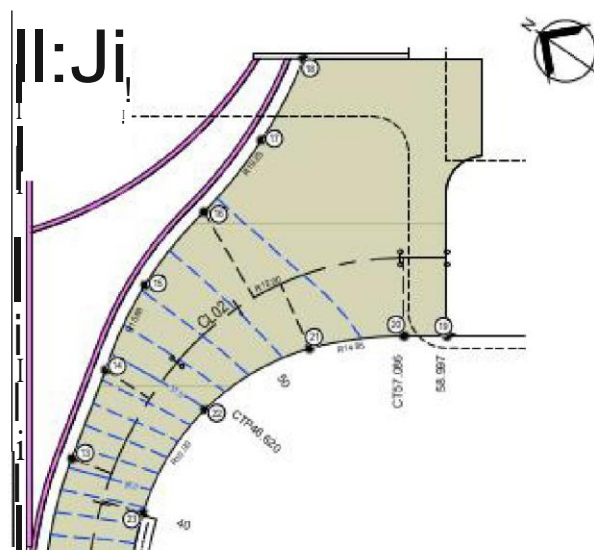
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OTES



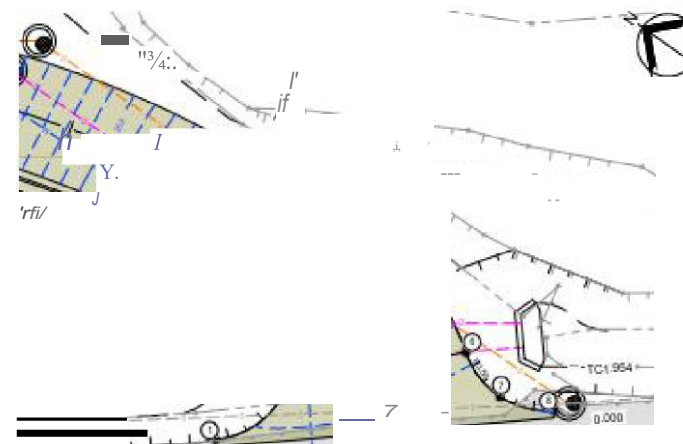
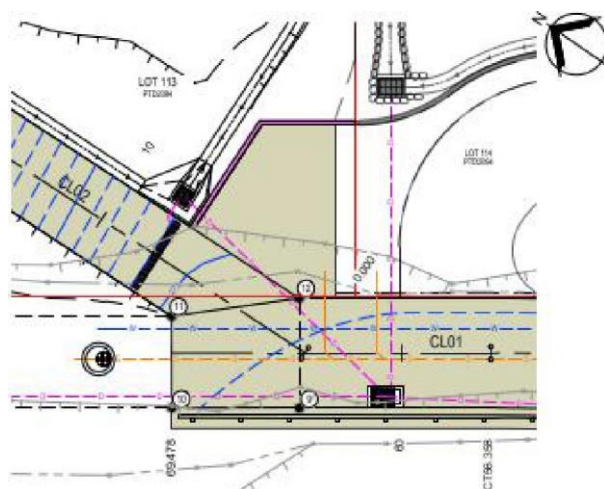
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 APPLIN CONSULTING (M) 0474 762 100 E greg@applin.com		KJMCUW.M & NEIL BmDLE		 CULLEN-BIDDLE RESIDENCE 12 MURPHY STREET 01 11 11 PM 12 11 14		FOR APPROVAL	
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NOTES

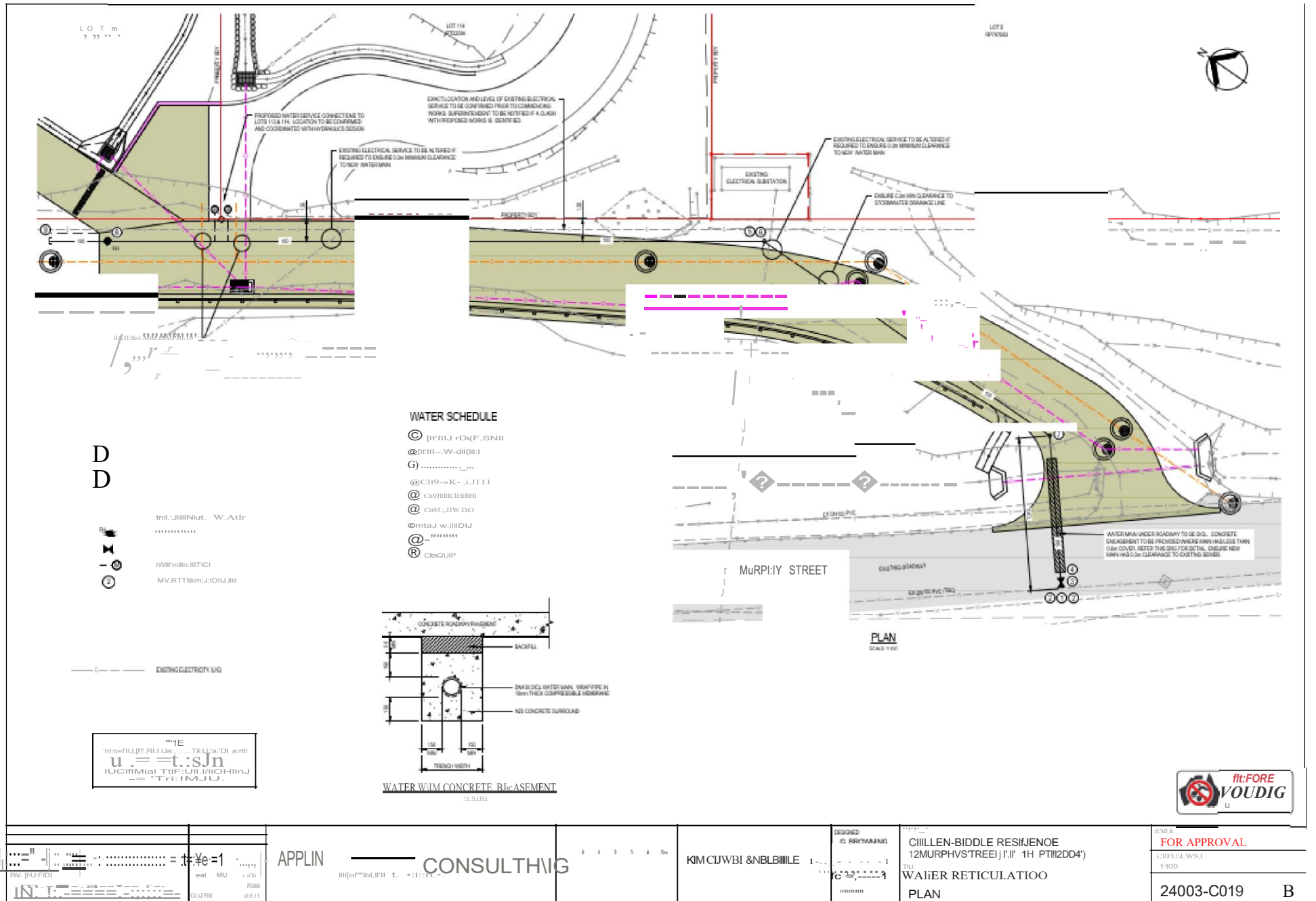
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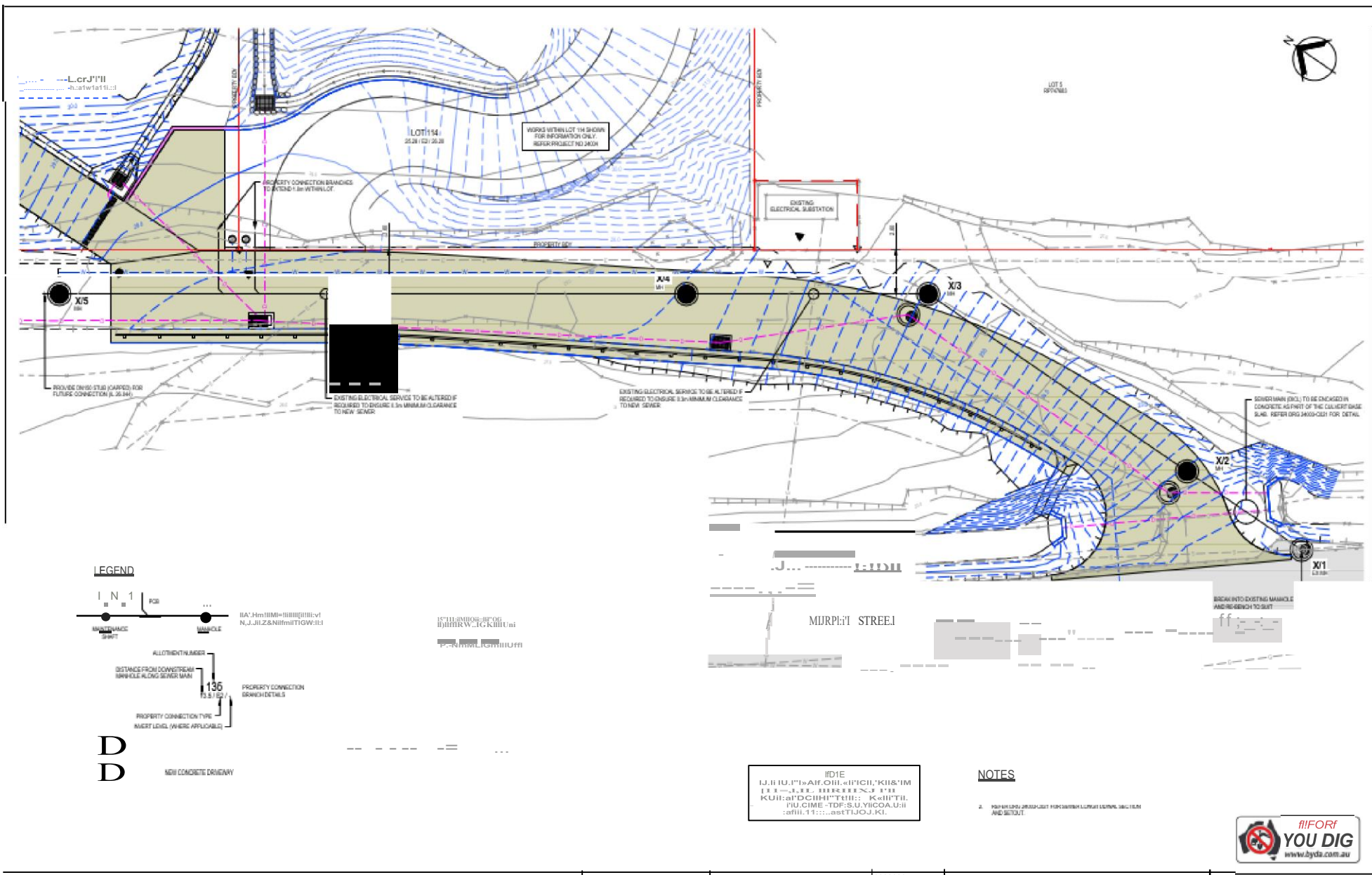


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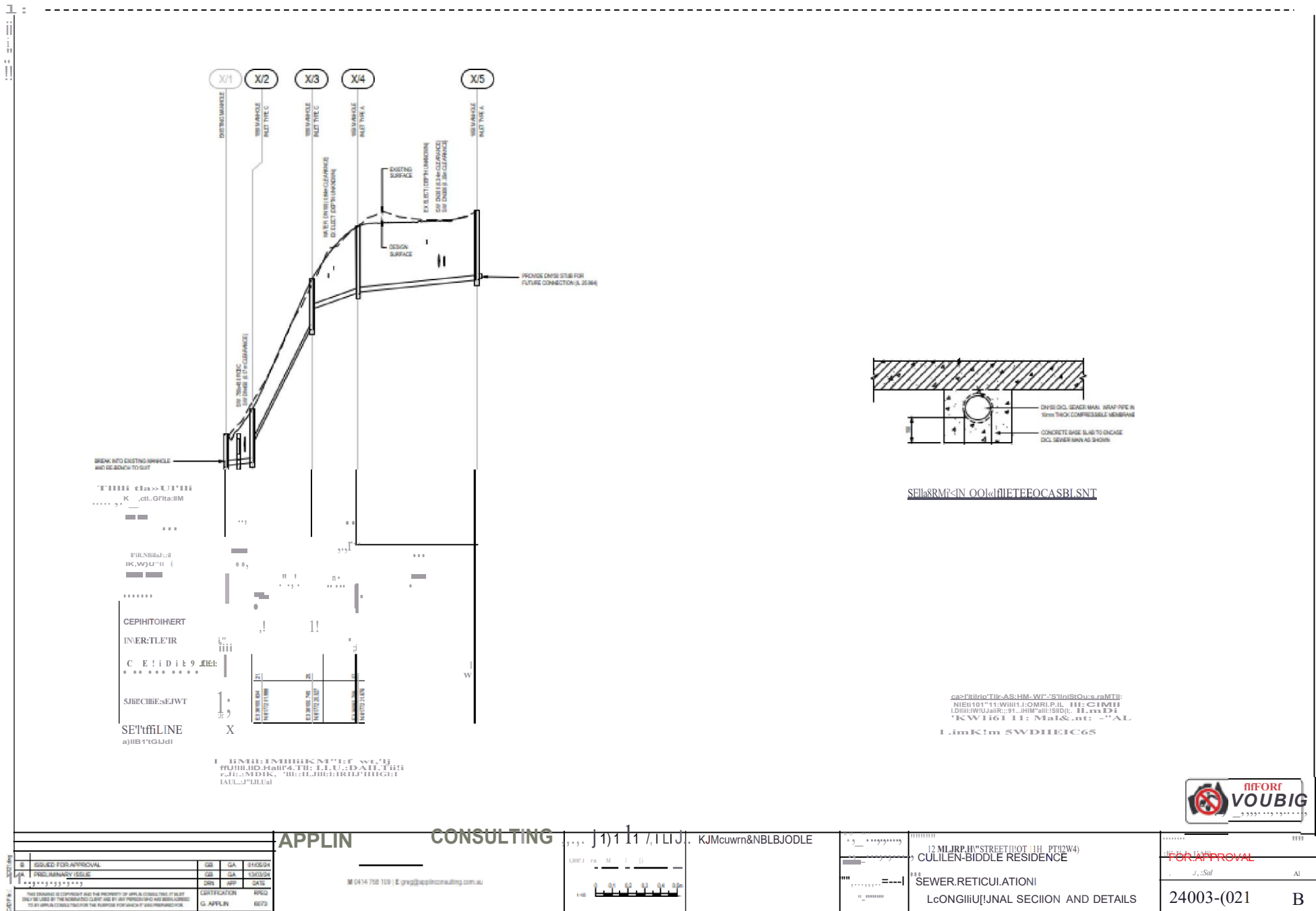


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|                                                                                                                                                                                                                                                                                                                        |  | <p><b>APPLIN CONSULTING</b></p> <p><b>KIM CIJU, Et al &amp; NEIL BmDLE</b></p> |  | <p><b>CULL III BIDDLE RESIDENCE</b></p> <p><b>DRIVEWAY CONNECTIONS</b></p> |  |
| <p>THIS DRAWING IS CONFIDENTIAL AND THE PROPERTY OF APPLIN CONSULTING. IT MUST NOT BE USED BY THE SUBMITTER OR ANY OTHER PARTY FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS SUBMITTED. ANY REUSE OR DISSEMINATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF APPLIN CONSULTING IS STRICTLY PROHIBITED.</p> |  | <p>JIE111111.dwg</p>                                                           |  | <p>24003-COH</p>                                                           |  |





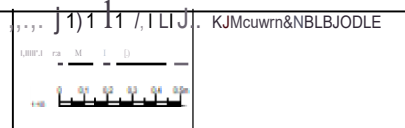
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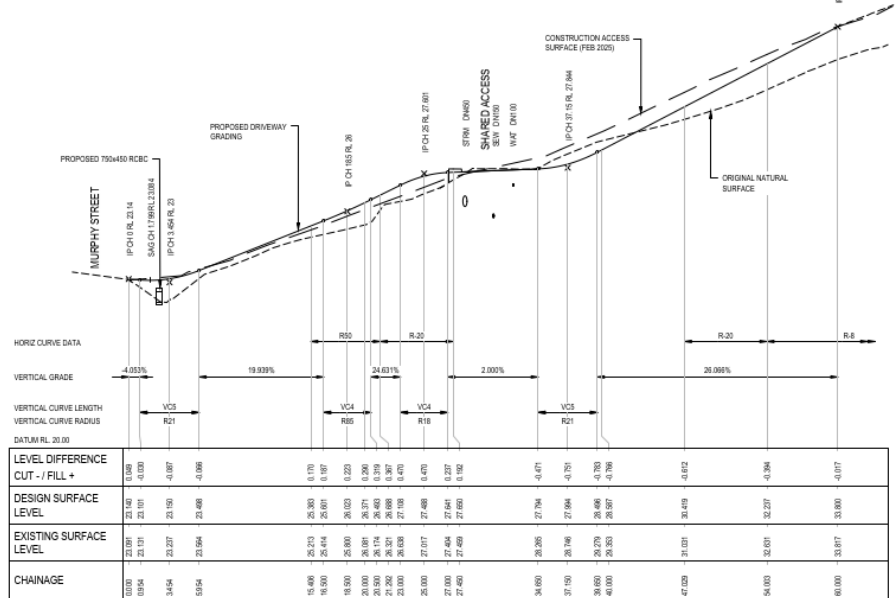
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## Page 53 of 62



HORZ 1:200    VERT 1:100

|                                                                                     |                                         |                                                                                     |                           |
|-------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------|---------------------------|
|  | SHARED DRIVEWAY (BY OTHERS)             |  | WATER MAIN (BY OTHERS)    |
|  | PROPOSED CONCRETE DRIVEWAY              |  | SEWER MAIN (BY OTHERS)    |
|  | NEW TOP OF BATTER                       |  | EXISTING TOP OF BANK      |
|  | NEW SURFACE CONTOURS<br>(1.0m INTERVAL) |  | EXISTING ROAD SHOULDER    |
|  | NEW DRAINAGE LINE                       |  | EXISTING DRAINAGE LINE    |
|  | DRAINAGE LINE (BY OTHERS)               |  | EXISTING ELECTRICITY (AC) |
|                                                                                     |                                         |  | EXISTING SEWER MAIN       |

1. THIS PLAN HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY
2. THE CONTRACTOR IS TO CONFIRM THE LOCATION OF ALL EXISTING SERVICES PRIOR TO COMMENCING WORKS.
3. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF EN9000.



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|         |                                                                       |
|---------|-----------------------------------------------------------------------|
| PROJECT | <b>KYRENIA RESIDENCE</b><br><b>14 MURPHY STREET (LOT 114 PTD2094)</b> |
| TITLE   | <b>PROPOSED DRIVEWAY</b>                                              |

SCALE (AT FULL SIZE)  
1:100

|                      |
|----------------------|
| SIZE<br><b>A1</b>    |
| REVISION<br><b>B</b> |

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

## Division 2 Changing development approvals

### Subdivision 1 Changes during appeal period

#### 74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### 75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
  - b if the development approval is a deemed approval, the standard condition taken to be included in the deemed approval under section 64 (8)(c).
- 2) If the applicant needs more time to make the change represented by the application, determining the applicant's appeal period for the approval is the appeal period by a notice given to the assessment manager.
- (3) Only one notice may be given.
- (4) If a notice is given, the appeal period is:
- (a) if the change represented by the application is made within the period of 10 business days after the notice is given to the assessment manager until the end of that period; or
  - (b) if the change represented by the application is made within 20 business days after the notice is given to the assessment manager, until:
    - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - ii) the applicant receives notice that the assessment manager does not agree with the change representation; or
    - iii) the end of 20 business days after the change representation is made or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## 76 Deciding change representations

- (1) The assessment manager must assess the change representation against and having regard to the matters that

[s76)

- must be considered when assessing a development application to the extent those matters are relevant.
- ( ) The assessment manager must, within 5 business days after deciding the change representation, give a decision notice to-
- (a) the applicant; and
- (b) if the assessment manager agrees with any of the change representation-
- i) each principal submitter; and
- ii) each relevant agency; and
- iii) if the assessment manager is not a local government and the development is in a local government area-the relevant local government; and
- iv) if the assessment manager is a chosen assessment manager-the prescribed assessment manager; and
- v) any other person prescribed by regulation.
- (3) A decision notice (a *negotiated decision Notice*) that states that the assessment manager agrees with a claim representation must-
- (a) state the nature of the change agreed to; and
- (b) comply with section 63 (2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only one negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement instrument under the charge notice to the applicant.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against all infrastructure charges notice-20 business days after the infrastructure charge notice is given to the person; or
- e) for an appeal about a deemed approval of a development application for which a decision notice has not been given-30 business days after the applicant gives the deemed approval notice to the assessment manager or
- (t) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018* section 143(2)(a)(i), (b) or (c)-5 business days after the day the notice is given; or
  - (ij) for an appeal against a decision of a local government or an inspector to give an enforcement notice under the *Plumbing and Drainage Act 2018*-5 business days after the notice is given; or
  - (ii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*-at any time after the period within which the application or matter was required to be decided; or
  - (iv) otherwise-20 business days after the day the notice is given; or
- (g) for any other appeal-20 business days after a notice of the decision for the matter including enforcement unit notice, is given to the person.

See also: P&E 2016 Act for the civil power of the court to extend the period for appeal.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral 'agency' response, the appellant may apply to the District Court or the High Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be a court-ordered appeal.
- (a) the adopted criteria for itself or
- (b) for a decision about an offset or refund:-
- (i) the estimated cost of the infrastructure identified in a LIP or
- (ii) the cost of infrastructure decided using the methodology included in the local government's charges resolution.

## 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the District or High Court, a notice of appeal that-
- (a) is in the approved form
- (b) succinctly states the ground of the appeal.
- (2) The notice of appeal must be accompanied by the required fee,
- (3) The appellant for an appeal to a tribunal, the registrar, must within the service period, give a copy of the notice of appeal to--
- (a) the respondent for the appeal
- (b) each respondent for the appeal; and
- (c) for an appeal about a development application under section 114 of the Resource Management Act 1992, each principal applicant for the application who is a person who has not been withdrawn; and
- (d) for an appeal about a change of land use under section 114 of the Resource Management Act 1992, each principal applicant for the application who is a person who has not been withdrawn; and

- 231** **No11-appealable decisions and matters.**

(I Subject to this chapter section 10(2) of the P&E Coun Act tmle the Supreme Cmudleides a decision or other matter l]nde:r rhis en i. afte d by juri didion:d e:rmr the dedsion or rnatter is non-appeafable.

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## 232 Rules ol I e P&E iCourt

(I A per on who is appeali.liLg to the P&E Court must comply "Wiith the mies ,of h. coun lITil apply to the a:pp al.

( However th iP&E Court may hear and decide an appeal even if the tpers.0111 liL not compl.ed with nil.es of the P ie Court.